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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 PRESTON GARDNER,

11 Petitioner,

No. 2:12-cv-1927 EFB P

12 vs.

13 E. VALENZUELA,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
17 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915. However,  
18 petitioner has commenced this action in the wrong district.


19 In a habeas action, venue is proper in either the district of confinement or the district of  
20 conviction. 28 U.S.C. 2241(d). Petitioner was convicted in Contra Costa County, but is  
21 incarcerated in San Luis Obispo County. Dckt. No. 1 at 1. Thus, the Eastern District is not a  
22 proper venue for this action.

23 The petition concerns the denial of parole. As witnesses and evidence necessary for the  
24 resolution of petitioner's application are more readily available in the county of incarceration,  
25 the court will transfer this action to the United States District Court for the Central District of  
26 California. *See* Rule 12, Rules Governing § 2254 Cases; 28 U.S.C. 1404(a); *Braden v. 30th*

1 *Judicial Circuit Court*, 410 U.S. 484, 499 n. 15 (1973). The court declines to take action on  
2 petitioner's application to proceed *in forma pauperis*.

3 Accordingly, it is ORDERED that this action is transferred to the Central District of  
4 California.

5 DATED: October 9, 2012.

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EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE